

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 13, 2004

D043261 In re Merrick V., a Juvenile

The orders terminating Alice's guardianship and denying Alice's de facto parent application in the twins' cases and in James's case are affirmed. The appeal of the ICWA finding in James's case is dismissed as moot. The orders finding that ICWA did not apply in the twins' cases is reversed, and the matter is remanded with directions that the juvenile court (1) order Agency to notice all pertinent Indian tribes and the BIA, and file the required service documentation and responses, if any, from the tribes and the BIA; and (2) determine whether the notices were adequate and proper under ICWA and *In re Karla C., supra*, 113 Cal.App.4th 166. Further, the court is to do one of the following: (1) if the notices are sufficient, order that ICWA does not apply, based on either the responses from the noticed tribes and the BIA that the children are not Indian children under ICWA, or the lack of responses from the tribes and the BIA; (2) if the notices are insufficient, order Agency to send new notices to the required tribes and the BIA, and file copies of the notices with supporting service documentation and responses, if any, with the court or, (3) if upon proper notice of any of the noticed tribes or the BIA determines the children are Indian children under ICWA, conduct the detention, disposition and all subsequent hearings in accordance with ICWA. The stay issued during the pendency of this appeal will be vacated when the opinion is final as to this court. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Huffman, P.J., O'Rourke, J.

D044821 Dawn N. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for Dawn N. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D044865 Jami N. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for Jami N. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Jami N. is dismissed.

Real Party in Interest's response to Alex E's petition for writ of mandate is due 10 days from the date of this order.

D044823 Tamila R. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for Johnny M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Johnny M. is dismissed.

Real Party in Interest's response to Tamila R.'s petition for writ of mandate is due 10 days from the date of this order.

D043954 Koenen v. San Diego Transit

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D044984 People v. Shepherd

In that no appealable order or judgment has yet been entered, the notice of appeal is premature. The appeal is dismissed without prejudice to refile a notice of appeal after an order or judgment has been entered.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 13, 2004 (Continued)

D043894 In re Francisco P., a Juvenile

The juvenile court's order declaring Francisco a ward is affirmed. McIntyre, J.; We Concur:
Haller, Acting P.J., Irion, J.

D044207 People v. Thomas

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., McIntyre, J.

Court convened at 9 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices
Richard Huffman and Cynthia Aaron
Clerk: D.E. Moore

D042916 People v. Gomez

Cause called on merits. Donal M. Hill, Esq. argued for appellant. Stacy Tyler, Deputy Attorney General
argued for respondent. Mr. Hill replied. Cause submitted.

D042150 People v. Huggins and Ortiz

D044156 In re Huggins on Habeas Corpus

Cause called on merits. Carl Fabian, Esq. argued for appellant, Ortiz. Arthur Martin, Esq. argued for
appellant, Huggins. Warren Robinson, Deputy Attorney General argued for respondent. Cause submitted
as to appeal only, D042150.

Court recessed at 9:44 a.m. to change panel members. New panel members:
The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices
James McIntyre and Cynthia Aaron

D042521 Harcourt et al. v. Davi et al.

Cause called on merits. Gregory William Koehler, Esq. argued for respondent, Davi. Robert P. Otilie,
Esq. argued for respondent, J. W. August. Michael William Pincher, Esq. argued for appellant. Cause
submitted.

Court recessed at 10:07 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate
Justices Gilbert Nares and Cynthia Aaron
Clerk: D.E. Moore

D044147 People v. Superior Court/Cole National Corporation, et al.-RPI

Matter called on merits. Susan Ruff, Deputy Attorney General argued for petitioner. Mark David
Kemple, Esq. argued for real party in interest. Ms. Ruff replied. Matter submitted.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 13, 2004 (Continued)

Court recessed at 2:08 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Cynthia Aaron

D041519 People v. Jackson

Cause called on merits. Jeanne C. Van Derhoff, Esq. argued for appellant. Deana Bohenek, Deputy Attorney General argued for respondent. Cause submitted.

D042549 People v. Lemus

Cause called on merits. Daniel G. Koryn, Esq. argued for appellant. Teresa Torreblanca, Deputy Attorney General argued for respondent. Mr. Koryn replied. Cause submitted.

D043360 Chow et al. v. San Diego County Civil Service Commission

Cause called on merits. Julie Buechler, Esq. argued for appellant. William Songer, Deputy County Counsel argued for respondent. Ms. Buechler replied. Cause submitted.

Court recessed at 2:44 p.m. until Tuesday, September 14, 2004 at 9 a.m.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 14, 2004

D042916 People v. Gomez

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Aaron, J.

D043106 People v. Robinson

The judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION. Benke, Acting P.J.;
We Concur: Haller, J., Aaron, J.

D044158 Acuna v. Pickett

Plaintiff Mario Acuna's appeal from the judgment or order entered November 11, 2003 is dismissed on the ground the notice of appeal does not specify an existing appealable order.

**D044529 Irene M. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied. McConnell, P.J.; We Concur: McIntyre, J., Aaron, J.

D044977 Sprague v. Superior Court of San Diego County/Medical Board of California

The petition is denied.

D042309 People v. Mu

The petition for rehearing is denied.

D044818 Vusse v. Bates

Pursuant to California Rules of Court, rule 8, the appeal filed August 5, 2004, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5 (a)).

D043105 People v. Morales

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., McDonald, J.

D042282 Kitchens et al. v. Caterpillar, Inc.

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

**D044481 Leon W. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.

D044102 People v. Galindo

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Irion, J.

**D044412 Andres S. et al. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The petitions are denied. Irion, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D042568 People v. Sanginas

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., Aaron, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 14, 2004 (Continued)

D044096 People v. Brown

The judgment is modified by striking the \$500 restitution fine and reducing the parole revocation fine to \$200. As so modified, the judgment is affirmed. The \$200 restitution fine remains in force. The trial court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections. McDonald, J.; We Concur: Haller, Acting P.J., Irion, J.

D044928 In re Owino on Habeas Corpus

The petition is denied.

D044788 In re Penton on Habeas Corpus

The petition is denied.

Court convened at 9 a.m.

Present: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion
Clerk: D.E. Moore

D043034 Brown v. Collier

Cause called on merits. Kenneth C. Hoyt, Esq. argued for appellant. Gary Dale Jander, Esq. argued for respondent. Mr. Hoyt replied. Cause submitted.

D042861 Fifield v. Volume Services America et al.

Cause called on merits. Sean Simpson, Esq. argued for appellant. Amy T. Wintersheimer, Esq. argued for respondent. Mr. Sampson replied. Cause submitted.

Court recessed at 9:53 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice,
and The Honorable Associate Justice James McIntyre
Clerk: D.E. Moore

D043149 Courtney et al. v. Lister

Cause called on merits. Daniel J. Kessler, Esq. argued for appellant. Barry E. Hager, Esq. argued for respondent. Mr. Kessler replied. Cause to be submitted once J. Nares has had a chance to review the CD of oral argument

D042583 Kassab v. Foytack

Cause called on merits. Michael F. Armstrong, Esq. argued for appellant. Steve Kassab, argued for respondent in pro per. Mr. Armstrong replied. Cause to be submitted once J. Nares has had a chance to review the CD of oral argument.

Court recessed at 2:09 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justice Terry O'Rourke

D042458 People v. Koonce

Cause called on merits. Warren Allan Williams, Esq. argued for appellant. Douglas Lee, Deputy Attorney General argued for respondent. Mr. Williams replied. Cause to be submitted once J. Nares has had a chance to review the CD of oral argument.

D043066 Hilliard v. Qualcomm Incorporated

Cause called on merits. William Nathaniel Woodson, Esq. argued for appellant. E. Joseph Connaughton, Esq. argued for respondent. Mr. Woodson replied. Cause to be submitted once J. Nares has had a chance to review the CD of oral argument.

D042030) Torres v. U.S.A. Waste of California, Inc.

D042577) Torres v. U.S.A. Waste of California, Inc.

Cause called on merits. Joshua Gowell Wilson, Esq. argued for appellant. Dwight F. Ritter, Esq. argued for respondent. Stewart M. Cowan, Esq. argued for respondent. Paul Kissel, Esq. replied for appellant, U.S.A. Waste of California. Cause to be submitted once J. Nares has had a chance to review the CD of oral argument.

Court recessed at 3:15 p.m. until Wednesday, September 15, 2004 at 9 a.m.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 15, 2004

D044934 In re Jones on Habeas Corpus

The petition is denied.

D044084 In re Christopher B., a Juvenile

The order denying appointment of counsel is affirmed. McIntyre, J.; We Concur: McConnell, P.J., McDonald, J.

D042980 People v. George

The judgment is reversed as to the second robbery count and as to the sentence on the first robbery count, but is otherwise affirmed. The matter is remanded for sentencing. McIntyre, J.; We Concur: McConnell, P.J., Haller, J.

D042924 People v. Lee

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., O'Rourke, J.

D044433 Samantha A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Benke, Acting P.J.; Aaron, J., Irion, J.

D042408 People v. Sustaita

D043767 In re Sustaita on Habeas Corpus

The pending petition for writ of habeas corpus, In re Lazaro Napoleon Sustaita, D043767, is consolidated with the pending appeal, People v. Lazaro Napoleon Sustaita, D042408, for disposition.

D042408 People v. Sustaita

D043767 In re Sustaita on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied. Irion, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D042603 People v. Chang

The judgment is affirmed. O'Rourke, J.; We Concur: McIntyre, Acting P.J., Irion, J.

D043773 People v. Villalobos

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

D043473 People v. McNiel

The judgment is modified by striking the conviction of petty theft with a prior (484, 666). As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward it to the Department of Corrections. Irion, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D044508 Lincoln H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. O'Rourke, J.; We Concur: Benke, Acting P.J., Huffman, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 15, 2004 (Continued)

D044924 Conservatorship of the Person and Estate of Marion L. Winter

Request for Permission to Appeal received by this court on September 9, 2004, is DENIED. (Code of Civ. Proc., section 391.7, subd. (b).) The appeal filed with the Superior Court on August 20, 2004, is dismissed.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion
Clerk: D.E. Moore

D042606 People v. Thomas

Cause called on merits. Matthew Daniel Murphey, Esq. argued for appellant. Randall Einhorn, Deputy Attorney General argued for respondent. Mr. Murphey replied. Cause submitted.

D041824 People v. Vizcarra

Cause called on merits. Patrick Morgan Ford, Esq. argued for appellant. Kelley Johnson, Deputy Attorney General argued for respondent. Mr. Ford replied. Cause submitted.

Court recessed at 9:18 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Joan Irion

D042476 Alfaro v. California Department of Highway Patrol et al.

Cause called on merits. Eugene S. Thompson, Esq. argued for appellant. Kathryn Megli, Deputy Attorney General argued for respondent. Mr. Thompson replied. Cause submitted.

D042596 Needham v. General Motors Corporation

Cause called on merits. Michael Edward Lindsey, Esq. argued for appellant. Tom Scutti, Esq. argued for respondent/cross-appellant. Cause submitted.

Court recessed at 10:06 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable James McIntyre, Acting Presiding Justice, and The Honorable Associate Justice Joan Irion
Clerk: D.E. Moore

D042523 Doe v. Astrazeneca L.P. et al.

Cause called on merits. Jeffrey Krinsk, Esq. argued for appellant. James J. Moneer, Esq. was present in oral argument for appellant, but did not argue. Jessica Michael Weisel, Esq. argued for respondent, Albertson's, Inc., and etc. Christopher B. Latham, Esq. was present in oral argument for Astrazeneca, L.P., but did not argue. Mr. Krinsk replied. Cause to be submitted once J. Nares has had a chance to review the CD of oral argument.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 15, 2004 (Continued)

D043239 Coulston v. Aztec Bowling, Inc.

Cause called on merits. David James Zugman, Esq. argued for appellant. Norma S. Marshall, Esq. argued for respondent. Mr. Zugman replied. Cause to be submitted once J. Nares has had a chance to review the CD of oral argument.

Court recessed at 2:12 p.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justice James McIntyre

D043012 Gaggero et al. v. County of San Diego

Cause called on merits. John Morris, Esq. argued for appellant. Peter A. Lynch, Esq. argued for respondent. Mr. Morris replied. Cause to be submitted once J. Nares has had a chance to review the CD of oral argument.

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D041258 Bonilla et al. v. Transamerica Auto Parts Inc., et al.

Cause called on merits. Mary Lehman, Esq. argued for appellant. George C. Heppner, Esq. was present in oral argument, but did not argue. Jefferi J. Hamilton, Esq. argued for respondent, Transamerican Auto Parts, Inc. Richard J. Ritchie, Esq. argued for respondent, Kearny Mesa Dodge. Ms. Lehman replied. . Cause to be submitted once J. Nares has had a chance to review the CD of oral argument.

Court recessed at 3:50 p.m. until Thursday, September 16, 2004 at 9 a.m.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 16, 2004

D044965 In re Brown on Habeas Corpus

The petition is denied.

D044074 In re Alec B., a Juvenile

The judgment is affirmed. Benke, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D042279 Jamul Indian Village v. Webb

The petition for rehearing is denied.

D043005 People v. Flores

The request for publication is denied.

D042251 The Copley Press, Inc. v. Superior Court of San Diego County/County of San Diego et al.

Let a writ of mandate issue directing the trial court to vacate its order of May 14, 2003, and to enter an order requiring the CSC to release its records in appeal Case No. 2003-0003, including the name of the peace officer, redacted only to exclude information within the limited ambit of Penal Code sections 832.7 and 832.8, as defined in this opinion. In all other respects, the petition is denied. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

D043503 Shackelford et al. v. The Ohio National Life Insurance Company,

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

Court convened at 9 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justice Judith Haller

Clerk: D.E. Moore

D042679 Carpenter v. Parkerson

Cause called on merits. Anthony D. Zinnanti, Esq. argued for respondent, telephonically.

Stephen Temko, Esq. argued for appellant. Cause to be submitted once J. Nares has had a chance to review the CD of oral argument.

Court recessed at 9:11 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Cynthia Aaron

D042043 Colton v. Vance

Cause called on merits. Roland C. Colton argued for appellant. Clinton L. Smith, Esq. argued for respondent. Mr. Colton replied. Cause submitted.

Court recessed at 9:54 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 16, 2004 (Continued)

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Cynthia Aaron
Clerk: D.E. Moore

D043348 People v. Meraz

Cause called on merits. Letitia Elisabeth Pepper, Esq. argued for appellant. Susan Elizabeth Miller, Deputy Attorney General argued for respondent. Cause to be submitted at a later date.

D043083 People v. Freeman

Cause called on merits. Carmela F. Simoncini Esq. argued for appellant. Michael Murphy, Deputy Attorney General argued for respondent. Ms. Simoncini replied. Cause submitted.

D041700 Edenbaum v. Ballard, Rosenberg, Golper & Savitt, LLP

Cause called on merits. John Eisenberg, Esq. argued for appellant. Barton Jacka, Esq. argued for respondent. Mr. Eisenberg replied. Cause submitted.

Court recessed at 2:11 p.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Cynthia Aaron

D042362 Bainbridge, Inc. v. Calfarm Insurance Company et al.

Cause called on merits. Kenneth N. Greenfield, Esq. argued for appellant. Dean McVay, Esq. argued for respondent, Calfarm Insurance Company. Julian J. Pardini, Esq. argued for respondent, Hartford Casualty Insurance Company. Mr. Greenfield replied. Cause submitted.

Court recessed at 2:53 p.m. until Friday, September 17, 2004 at 9 a.m.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 17, 2004

D041377 Warren v. Sharabi

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D044856 Teresa L. et al. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency

The attorney for petitioner Paul J. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Paul J. is dismissed.

D044836 Gloria V. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency

The attorney for petitioner Gloria V. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D044824 Glendina L. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency

The attorney for petitioner Glendina L. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D043435 People v. Hudson

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

D044607 Linda D. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petitions are denied. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D042108 Lawrence v. Frost Street Outpatient Surgical Center L.P.

The summary judgment is reversed. Frost to pay costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.

D042988 In re Brandon H., a Juvenile

The appeal is dismissed. Aaron, J.; We Concur: Benke, Acting P.J., Haller, J.

Court convened at 9 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justice Alex McDonald
Clerk: D.E. Moore

D043847 In re Kitty I., et al. Juveniles

Cause called on merits. Christopher R. Booth, Esq. argued for appellant. Katelyn Rae, Deputy County Counsel argued for respondent. Mr. Booth replied. Cause to be submitted once J. Nares has had a chance to review the CD of oral argument.

FOURTH APPELLATE DISTRICT
DIVISION ONE
SEPTEMBER 17, 2004 (Continued)

Court recessed at 9:15 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke
Clerk: D.E. Moore

D043006 People v. Pleasant

Cause called on merits. Matthew Braner, Deputy Public Defender argued for appellant. Christopher Beesley, Certified Law Student of Attorney General's office argued for respondent. Mr. Braner replied. Cause submitted.

D042021 People v. Bacon

Cause called on merits. Richard W. Weinthal, Esq. argued for appellant. Kristin Anton, Deputy Attorney General argued for respondent. Mr. Weinthal replied. Cause submitted.

D043871 In re Katelyn M., a Juvenile

Cause called on merits. Donna Kaiser, Esq. argued for appellant. Lisa Maldonado, Deputy County Counsel argued for respondent. Kathleen Mallinger, Esq. argued for the minor. Ms. Kaiser replied. Cause submitted.

D043142 Sanchez v. San Diego Unified School District et al.

Cause called on merits. Ricardo Q. Sanchez argued for appellant in pro per. Ricardo Soto, Esq. was present in oral argument and addressed concerns the court had on respondent's behalf. Cause submitted.

Court recessed at 2:37 p.m. until Monday, September 20, 2004 at 9 a.m.

D043654 In re Williamson on Habeas Corpus

The petition for rehearing is denied.

D041833 Ruiz v. Sysco Food Services

The opinion filed September 8, 2004 is ordered certified for publication.

D044693 Oscar M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

D044944 People v. Mays

The court has taken judicial notice of San Diego Superior Court case CR144291. (Evid. Code, section 452, subd. (d)). The appeal is dismissed as untimely.

D045013 People v. Hernandez

The petition is denied.